

FORM APPROVAL  
B1304

FORM B4

REGISTERED 26 AUG, 1999 11.27.24

**H 192994 RC**  
 LODGED 11 Aug, 1999 10:56:31 Perth  
  
 REG. \$ 66.00

**DEED OF RESTRICTIVE COVENANT Section  
136D - Diagram 98067**

LODGED BY  
 ADDRESS **MALLESONS STEPHEN JAUQUES**  
 LEVEL 10 CENTRAL PARK  
 152 ST GEORGE'S TERRACE, PERTH WA 6000  
 PHONE NO. TEL: 269 7000 FAX: 269 7999  
 ISSUING BOX 4  
 FAX NO.  
 REFERENCE NO.  
 ISSUING BOX NO. *4*

PREPARED BY **MALLESONS STEPHEN JAUQUES**  
 ADDRESS **152 ST GEORGE'S TERRACE**  
**PERTH WA 6000**  
 REFERENCE JJ:L:09 0091 8997  
 PHONE NO. (08) 9269 7000 FAX NO (08) 9269 7999

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

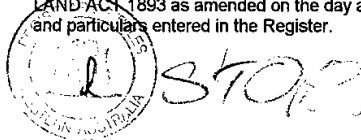
*012*

TITLES, LEASES, DECLARATIONS ETC, LODGED HEREWITH.

1. <i>Letter</i>	Received Items
2. _____	Nos.
3. _____	<i>1</i>
4. _____	<i>h</i>
5. _____	Receiving Clerk
6. _____	

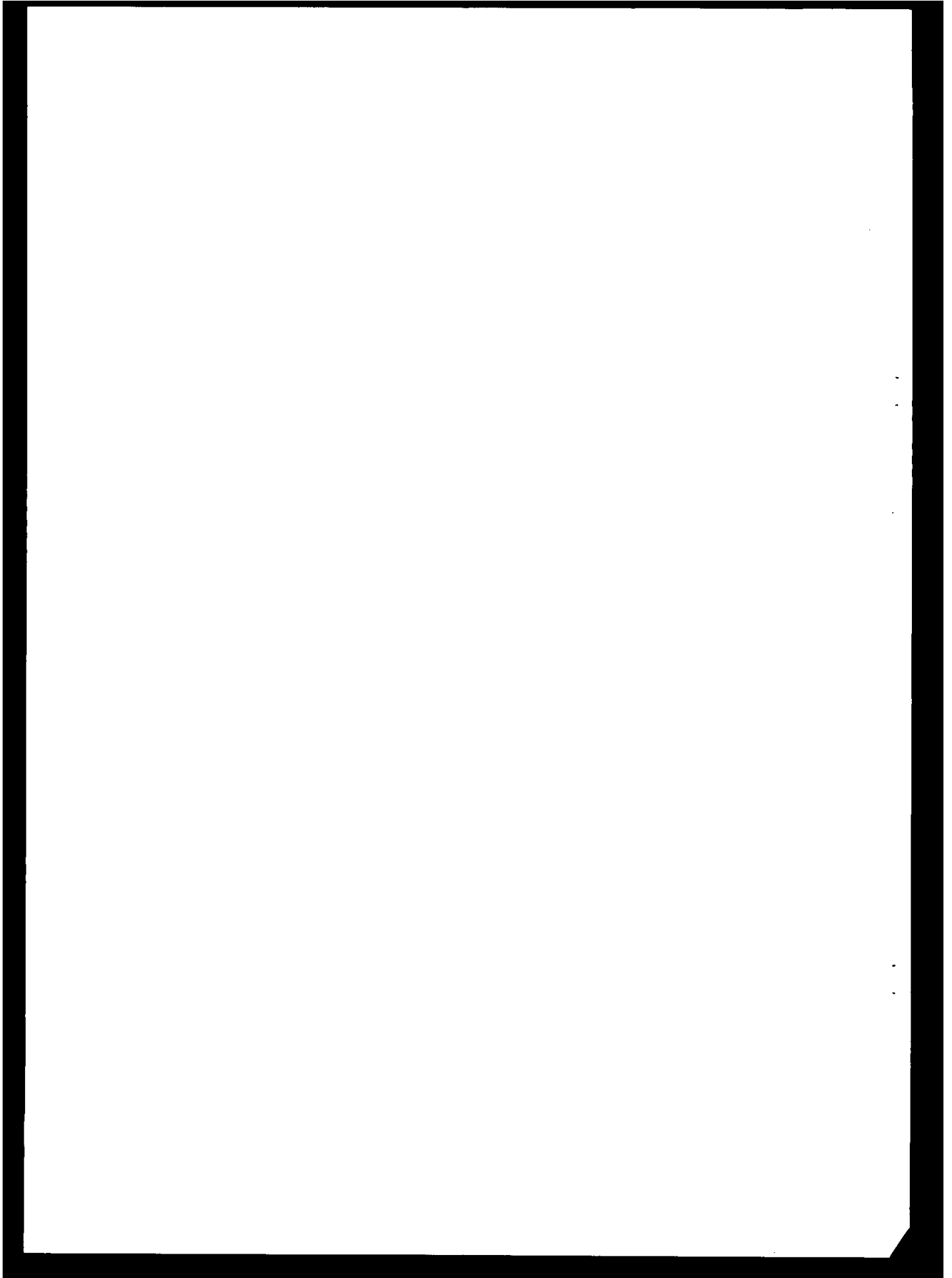
EXAMINED  
*A cov*

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.



PERTH/0198544.01





DOLA COPY OF ORIGINAL NOT TO SCALE TMN JUL 29 11:07:07 1999 JOB 470660


DOLA COPY OF ORIGINAL NOT TO SCALE TMN JUL 29 11:07:07 1999 JOB 470660

2455

2456

LAND DESCRIPTION	ON	CERTIFICATE OF TITLE	FIELD BOOK
PORTION OF SUSSEX LOCATIONS 2141 & 2142	PLAN . . . . . CS 3031 . . . . .	VOLUME FOLIO	69879
	DIAGRAM . . . . .	2158 616	73009
	INDEX . . . . . BF 29 (2) 1002 . . . . .	2158 617	73224
	PUBLIC . . . . .		77685

**DIA 98067**



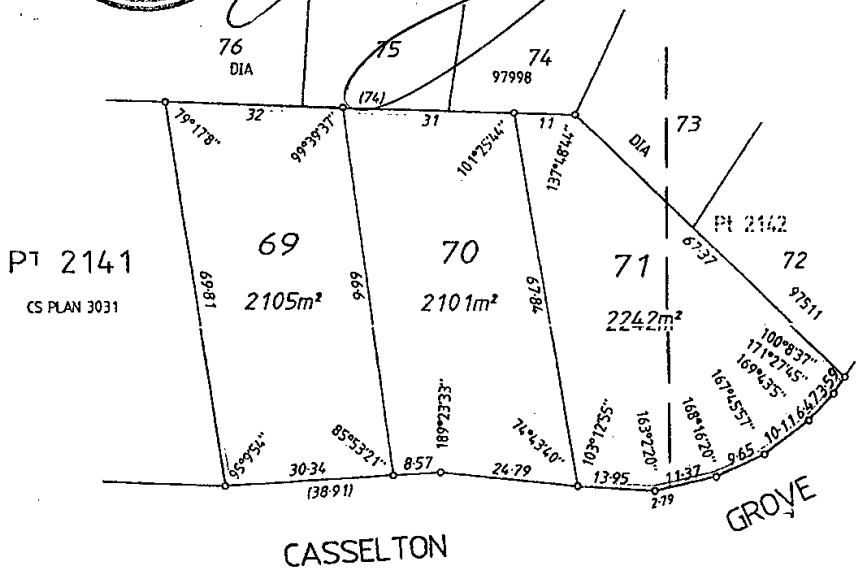
TOTAL AREA **6448m<sup>2</sup>**

LOCAL AUTHORITY: SHIRE OF AUGUSTA - MARGARET RIVER  
 LOCALITY: MARGARET RIVER

LIMITED IN DEPTH TO 60.96 METRES



*Handwritten signatures and notes:*  
 [Signature]  
 [Signature]




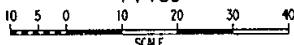

RESTRICTIVE COVENANT UNDER  
 SEC. 136 D OF THE T.L.A  
 ( )

RE-CERTIFIED CORRECT  
 (ADDITION OF 136D NOTATION)  
*John Giudice* 27.7.99  
 FOR INSPECTOR OF PLANS & SURVEYS

BURDENED LOTS: 69 - 71 INC.  
 BENEFITTED LOTS: 69 - 71 INC.

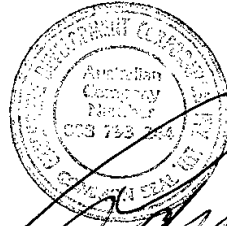
**SUBDIVISION BY EARLY ISSUE PROCESS**

**JOHN GIUDICE & ASSOC.**  
 LICENSED SURVEYORS  
 8 Stirling Street, FREMANTLE  
 Ph: 9435 6222 Fax: 9430 4980  
 NSW65LD77-B LASERJET LV

<b>SURVEYOR'S CERTIFICATE - Reg 54</b> I, <u>NIGEL A SIMPSON</u> , hereby certify that this plan is a correct representation of the survey and/or calculations from measurements recorded in the field book lodged for the purposes of this plan and that it complies with the relevant written legislation in relation to which it is lodged. <i>N.A. Simpson</i> 10/6/99 LICENSED SURVEYOR DATE	APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE <u>108984</u>  For Chairman DATE	SCALE 1 : 750  ALL DISTANCES ARE IN METRES SCALE	<b>IN ORDER FOR DEALINGS</b> SUBJECT TO  OFFICE OF TITLES DIAGRAM <b>98067</b>
	<b>SURVEYOR'S CERTIFICATE - Compiled</b> I, <u>NIGEL A SIMPSON</u> , hereby certify that this compiled plan is a correct and accurate representation of the survey of the subject land, and that it is in accordance with the relevant law in relation to which it is lodged. LICENSED SURVEYOR DATE	EARLY ISSUE YES / NO <b>LODGED</b> DATE <u>10.6.99</u> FEE PAID <u>\$298</u> ASSESSMENT NO. <u>237067</u>	

**Execution page**

**THE COMMON SEAL of  
GREENDENE DEVELOPMENT  
CORPORATION PTY LTD**  
ACN 008 793 244 is affixed in  
accordance with its articles of association  
in the presence of:



*Kulain D Lester*  
.....  
Signature of authorised person

*DIRECTOR / SECRETARY*  
.....  
Office held

*Kulain D LESTER*  
.....  
Name of authorised person (block letters)

*Adrian J Lester*  
.....  
Signature of authorised person

*DIRECTOR*  
.....  
Office held

*ADRIAN J LESTER*  
.....  
Name of authorised person (block letters)

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## The Schedule

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### **Item 1 - The Estate**

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The land formerly comprised in Portion of Sussex Location 2141 being the whole of the land comprised in Certificate of Title Volume 2158 Folio 616 and Portion of Sussex Location 2142 being the whole of the land comprised in Certificate of Title Volume 2158 Folio 617

### **Item 2 - The Plan**

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Diagram 98067

### **Item 3 - The Subdivided Land**

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Portion of the land formerly comprised in Portion of Sussex Location 2141 being part of the land comprised in Certificate of Title Volume 2158 Folio 616 and Portion of Sussex Location 2142 being part of the land comprised in Certificate of Title Volume 2158 Folio 617 but now being comprised in Diagram 98067

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wheeled conveyance less than 2 metres wide and 3 metres long owned by the occupant of any dwelling on the Lot which is parked inside a garage or car park or in such a position so as not to be visible from any other dwelling in the Estate or from the public road system.

- (i) Permit any vehicle, boat or wheeled conveyance to be repaired or restored on the Lot unless it is not visible from any other dwelling in the Estate or from the public road system.
- (j) Construct or install or allow to remain installed on the Lot or on any improvement on the Lot any television or radio aerial or satellite dish visible from any place within the Estate.

### **3 Benefit and Burden**

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- 3.1 The burden of the covenants in Clause 2 is appurtenant to and will run with the Lot for the benefit of every other Lot in the Estate to the intent that the covenants will bind the Registered Proprietor and the registered proprietor from time to time of the Lot and will be for the benefit of the Registered Proprietor and any other registered proprietor from time to time of every other Lot in the Estate but not so as to render the Registered Proprietor personally liable after the Registered Proprietor has parted with all interest in the Land.
- 3.2 The covenants in Clause 2 expire on a date 7 years from the date of registration of the application for new certificates of title for the land in Diagram 98067.

### **4 Consents under S 136E of the Transfer of Land Act**

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The Registered Proprietor will obtain any consents required under s. 136E of the Transfer of Land Act to the creation of this deed and the creation of the restrictive covenants over the Lots pursuant to Section 136D of the Transfer of Land Act.

**EXECUTED** as a deed

- (v) any residence or improvement using fibre cement materials for external walls.
- (b) Construct carports or garages on the Lot with materials other than materials used in the construction of the walls and roof of the dwelling.
- (c) Construct the roof of any dwelling or any carport, garage or other outbuilding that is or may be visible from the road side boundary or boundaries of the Lot:
  - (i) with material other than clay tiles, timber or slate shingles, concrete tiles or metal sheeting having its exterior surface colour coated, sealed and treated so as not to have highly reflective qualities; or
  - (ii) with a pitch of less than 24°.
- (d) Construct on the Lot any outbuildings, other than of a design and with the materials used in the construction of the dwelling, or with other materials which are painted in a colour to intergrate the outbuildings with the dwelling or its surroundings unless the outbuilding is not visible from the road side boundary of the Lot and is constructed at the rear of the Lot behind the dwelling or the proposed site of the dwelling.
- (e) Construct any fences or walls:
  - (i) along the side boundary of the Lot forward of the building line; or
  - (ii) along the boundary of the Lot fronting the roadway; or
  - (iii) where the Lot fronts two roadways, along either front boundary fronting the roadways; or
  - (iv) made of corrugated fibre cement or similar material.
- (f) Clear any vegetation from the Lot except as required to comply with the regulations or by-laws relating to fire prevention, or to the extent required for access to the Lot, safety of its occupants or amenity of any dwellings on the Lot.
- (g) Gain vehicular access to or from the Lot from or to the public road system except by way of a driveway of not less than 2.0 metres in width constructed of hot mix, paving materials (including paving bricks) or compacted gravel.
- (h) Permit any commercial vehicle or caravan, boat, boat trailer or other wheeled conveyance (other than trade vehicles or trailers driven on to the Lot by tradespersons remaining temporarily on the Lot in the course of the tradespersons ordinary business with an occupant of the Lot) to be parked on the Lot unless it is a light commercial vehicle or caravan, boat or trailer or other



by the Shire, and “**multiple residential designation**” has the corresponding meaning.

**public road system** means the public road system within the boundaries of the Estate.

**prescribed dwelling** means a permanent non-transportable private single residential dwelling and includes any extensions, renovations or alterations to the dwelling.

**Shire** means the Shire of Augusta-Margaret River.

## **2 Special covenants relating to use by Registered Proprietor**

- 2.1 The Registered Proprietor pursuant to Section 136D of the Transfer of Land Act creates the covenants set out in clause 2.2 in respect of the Lots and the covenants will be registered against the Certificate of Title to each Lot.
- 2.2 The Registered Proprietor (which expression includes the transferees, assigns and successors of the Registered Proprietor) covenants that the Registered Proprietor will NOT:
- (a) erect or commence or cause or allow to be constructed or erected on any Lot:
    - (i) any residence or improvement unless the plans and specifications for the residence or improvement have been first:
      - (A) submitted in duplicate to GDC not less than 60 days prior to the intended date of commencement of construction or erection; and
      - (B) approved by the Shire;
    - (ii) any occupiable improvement other than a prescribed dwelling;
    - (iii) more than one prescribed dwelling unless the site is a designated multiple dwelling site, in which case the Registered Proprietor will not build more than the number of prescribed dwellings specified for the Lot under its multiple residential designation;
    - (iv) any dwelling having an area (inclusive of the outer faces of the external walls but exclusive of areas under verandahs, soffits, porches, garages or carports) of less than 120 square metres, except in the case of designated multiple dwelling sites, in which case the area must not be less than 90 square metres; or

## Deed of Restrictive Covenant - Riverslea Gardens Pursuant to Section 136D of the Transfer of Land Act

**Date:** 9 August 1999

**Parties:** GREENDENE DEVELOPMENT CORPORATION PTY LTD  
ACN 008 793 244 having its registered office at Level 1, BNZ House,  
30 The Esplanade, Perth, Western Australia ("Registered  
Proprietor")

**Recitals:**

- WESTERN AUSTRALIA STAMP DUTY  
10-AUG-99 001359855-001  
DEE  
VALUE \$  
SD \$ \*\*\*\*\*70.00 PEN \*\*\*\*\*.00
- A. The Registered Proprietor is the registered proprietor of the Estate.
  - B. The Registered Proprietor is subdividing the Estate and proposed to register a Plan of Subdivision in respect of the Subdivided Land which forms part of the Estate.
  - C. The Registered Proprietor wishes to register restrictive covenants in respect of all of the lots within the Subdivided Land pursuant to Section 136D of the Transfer of Land Act so that those covenants will benefit and burden those lots.

### Operative provisions:

#### 1 Definitions

- 1.1 The following words have the meanings in this deed unless the contrary intention appears:

**Land definitions**

**Estate** means all that land described in item 1 of the Schedule:

**Lot** means a lot created upon registration of the Plan.

**Plans** means the survey plan of the Subdivided Land annexed to the deed marked "P" described in Item 3 of the Schedule .

**Subdivided Land** means the land described in Item 3 of the Schedule.

**Other definitions**

**GDC** means Greendene Development Corporation Pty Ltd ACN 008 793 244 or its successor in title to the balance of the Estate not sold to individual purchasers of Lots within the Estate.

**designated multiple dwelling site** means land which has been approved as a multiple dwelling site under the residential planning codes

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PERTH/0395768.01

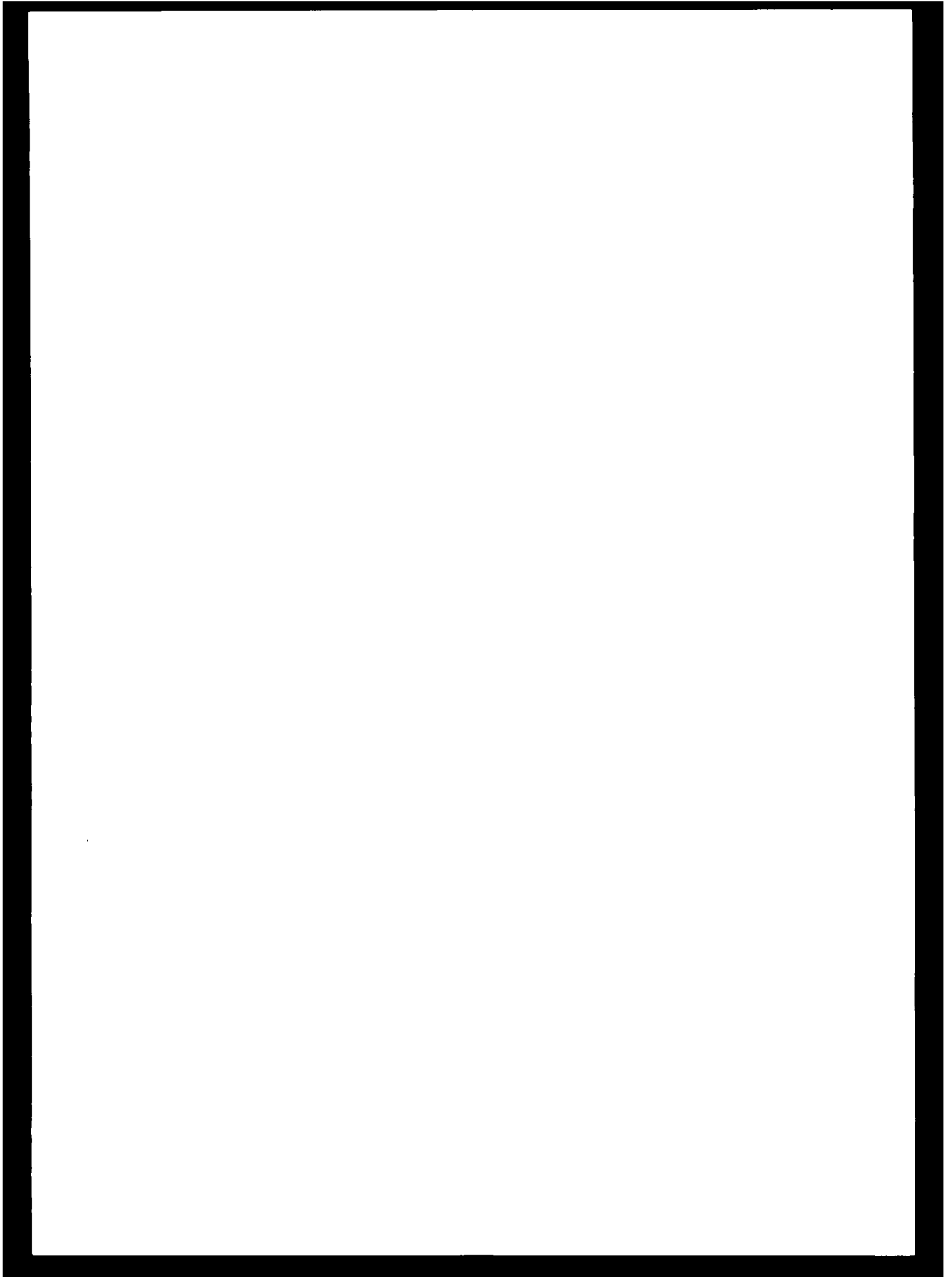
Dated *9 August* 1999

**Deed of Restrictive  
Covenant -  
Riverslea Gardens  
Diagram 98067**

**Greendene Development  
Corporation Pty Ltd  
("Registered Proprietor")**

**Mallesons Stephen Jaques  
Solicitors**

Level 10, Central Park  
152 - 158 St George's Terrace  
PERTH WA 6000  
Telephone (08) 9269 7000  
Fax (08) 9269 7999  
Dx 91049 Perth  
Ref: JJ:LI: 09 0091 8997



**Mallesons Stephen Jaques**  
S O L I C I T O R S

The Registrar of Titles  
DOLA  
PO Box 2222  
MIDLAND WA 6056

10 August 1999

J Jones  
Direct line  
(61 8) 9269 7087  
Partner  
L Iffla

Dear Sir

**Greendene Development Corporation Pty Ltd**  
**Restrictive Covenant - Sec 136D of the Transfer of Land Act -**  
**Diagram 98067**

We act for Greendene Development Corporation Pty Ltd the registered proprietor shown in the attached Section 136D Deed of Restrictive Covenant.

In our opinion, each of the covenants in the Deed is a restrictive covenant.

Yours faithfully



Encl 1

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LEVEL 10  
CENTRAL PARK  
152 ST GEORGE'S  
TERRACE  
PERTH WA 6000  
AUSTRALIA  
DX 91049 PERTH

POSTAL ADDRESS  
GPO BOX 875  
PERTH WA 6001  
AUSTRALIA

**TELEPHONE**  
**(61 8) 9269 7000**  
FACSIMILE  
(61 8) 9269 7999

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SYDNEY  
MELBOURNE  
PERTH  
BRISBANE  
CANBERRA  
HONG KONG  
BEIJING  
TAIPEI  
JAKARTA  
PORT MORESBY  
LONDON

PERTH/0396193.01 / 09-0091-8997

**File Copy Do not Destroy**

Stopped Document Disposal Instructions

Fees to be Refunded \$
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Date
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Reference .....
Document numbers
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Doc's to be rejected
Docs to be withdrawn
Doc's for Registration
Authorised by

**Examiner's notes**

**File Copy Do Not Destroy**

**Stopped Case 192994**

Original Cs/T:  
**Bundle**

Notice Sent

*31 8 - 99*

Action

*1999-08-31*

Examination Instructions

Allocate New C/T

Complete Nom. Index

Pass to LB181

Other

New Title Production Group 3

Examiner: E.Sinagra,

Supervisor: Don Gray

*DR*



# Requisition Notice

Document Nos: H192994-95, 196993-94,  
199217, 206445-451

Section 192 of the Transfer of Land Act

Your Ref: Greendene Development Corporation P/L

**First and Final**

Date: 3-8-99

**Lodging Party**  
Mallesons Stephen Jaques

**Other Parties Contacted**  
Central Conveyancing WA P/L

**REGISTRATION OF THE ABOVE DOCUMENTS CANNOT BE EFFECTED UNTIL ALL REQUISITIONS LISTED BELOW ARE COMPLIED WITH AND FEE PAYABLE IS RECEIVED. A TIME LIMIT OF 14 DAYS APPLIES FROM THE DATE STATED ABOVE.**

- Unless these items are satisfied, the documents will be rejected and one half the registration fee forfeited
- Documents may be withdrawn from registration for which a fee will be retained. The balance of the fees will be refunded.
- Requisitions must be attended to by personal attendance to the Stopped Documents Section, Midland Square or by correspondence.
- Correspondence by representatives of parties to documents **must state** the capacity in which they act and confirm that they are duly authorised to do so. Amendment by letter is at the discretion of the Registrar of Titles.

### Requisitions

DISCUSS

Doc.No 993	The Restrictive Covenant must show mortgage G510065 as an encumbrance and consent of the mortgagee [Bank of New Zealand mortgage G510065 over C/T 2132/181] is required.	Req. Fee \$33.00
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217 "Same as above."

NB

There is only a partial discharge of the above mortgage in the series thereby leaving a number of the lots on Plan 23668 and Diagram 98362 still subject to the mortgage thus the need for written consent of that mortgagee to these covenants.

OK

which lots on plan

one is  
2 CT'S -  
ENC 510065

Requisition Sub Total \$ 33  
 Additional Fee \$  
**TOTAL FEE Payable \$ 33**

**Ian Hyde**  
Registrar of Titles

Land Titles Division

**All Enquiries to the STOPPED DOCUMENTS Section, Midland Square, Midland**  
Telephone (08) 9273 7337 Fax (08) 9273 7658, Postal Address: P O Box 2222, Midland, Western Australia 6936: DX88  
Cheques or money orders to be made payable to the Registrar of Titles.